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AO 91 (Rev. 11/11) Criminal Complaint

AUSA G. David Rojas (312) 886-5966

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

SABASTIAN TORRES

CASE NUMBER: **18CR 720****MAGISTRATE JUDGE COX****CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about May 4, 2018, at South Chicago Heights, in the Northern District of Illinois, Eastern Division, the defendant violated:

*Code Section*Title 18, United States Code, Section
922(d)(1)*Offense Description*

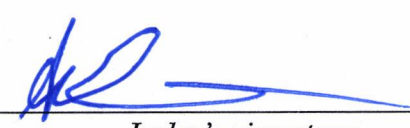
Knowingly transferred a firearm, that is, a .357 caliber Windicator revolver, bearing serial number 1732691, to a person, knowing or having reasonable cause to believe such person had been convicted of a crime punishable by imprisonment for a term exceeding one year

This criminal complaint is based upon these facts:

X Continued on the attached sheet.


CHRISTOPHER J. LABNOSpecial Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives (ATF)

Sworn to before me and signed in my presence.

Date: October 22, 2018

*Judge's signature*City and state: Chicago, IllinoisSUSAN E. COX, U.S. Magistrate Judge*Printed name and Title***FILED**OCT 22 2018 *PS*THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SS

AFFIDAVIT

I, CHRISTOPHER J. LABNO, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives. I have been so employed for 17 years. During that time, I have participated in numerous investigations and received specialized training in the enforcement of laws relating to firearms trafficking activities, drug trafficking activities, and other firearms offenses. In connection with my official ATF duties, I investigate criminal violations of the federal narcotics and firearms laws, including Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Sections 922, 924, and 1951. I have also been involved in various types of electronic surveillance and in the debriefing of defendants, witnesses, informants, and others who have knowledge of narcotics trafficking, firearms offenses, and violent crimes.

2. In conducting these investigations, I have used a variety of investigative techniques and resources, including physical and electronic surveillance, interviews of defendants and co-conspirators, firearms trace information, and interviews of Federally Licensed Firearms Dealers ("FFLs") and firearms wholesalers. Through these investigations, my training and experience, and conversations with other special agents, as well as other law enforcement personnel, I have become familiar

with methods used by firearms traffickers and gang members to obtain, store, and use firearms, including in violent crimes.

3. This affidavit is submitted in support of a criminal complaint alleging that SABASTIAN TORRES has violated Title 18, United States Code, Section 922(d)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging TORRES with transfer of a firearm to a felon, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, my training and experience, the experience of other agents, interviews of FFLs, co-conspirators, and gang members, video obtained in a search warrant, physical surveillance, and information provided to me by other law enforcement agents.

5. Based on the information contained in this affidavit, I respectfully submit there is probable cause to believe that, on or about May 4, 2018, at South Chicago Heights, SABASTIAN TORRES knowingly transferred a firearm, that is, a .357 caliber Windicator revolver, bearing serial number 1732691, to Individual A, knowing or having reasonable cause to believe Individual A had been convicted of a crime punishable by imprisonment for a term exceeding one year.

Purchase of .357 Caliber Windicator Revolver

6. In June 2018, investigators from the South Suburban Major Crimes Task Force requested the assistance of ATF in conducting an investigation.

7. According to records from Store A, an FFL in Monee, Illinois, SABASTIAN TORRES purchased a European American Armory ("EAA") .357 caliber Windicator revolver through an FFL transfer. Specifically, according to those records, on or about May 22, 2017, TORRES made an online purchase of an EAA .357 caliber Windicator revolver from Store B, an FFL in Minnesota. The firearm was transferred to Store A, and TORRES picked it up on or about May 23, 2017.

8. According to records from Store B, the .357 caliber Windicator revolver was purchased using the name "Enrique Torres." The buyer of the .357 caliber Windicator revolver provided an address in Chicago Heights. According to TORRES during an interview on September 6, 2018, TORRES resided at this address as of the date of the interview. According to records from Store B, one of the email addresses used by the buyer of the .357 caliber Windicator revolver to communicate with Store B included TORRES's first and last name.

9. According to records from Store B, between in or around September 2016 and January 2018, in addition to the .357 caliber Windicator, the customer using the name "Enrique Torres" purchased seven other firearms: a Smith & Wesson .45 caliber pistol, a Smith & Wesson 9mm firearm, a Glock 23 .40 caliber firearm, an Arsenal SAM7R semi-automatic rifle, two Anderson Manufacturing AR-15-style lower receivers, and a Taurus 9mm pistol. According to a representative from Store B, the

customer name for the .357 caliber Windicator, one of the Anderson Manufacturing AR-15-style lower receivers, and the Taurus 9mm pistol was changed by the customer from Enrique Torres to SABASTIAN TORRES.

Video of TORRES and Individual A

10. According to a South Chicago Heights Police Department officer, during the execution of a warrant authorizing the search of a cellular phone in connection with a murder investigation, they located a video depicting TORRES, Individual A, and a firearm. I have reviewed that video. The video appears to have been taken by TORRES. In the video, TORRES and Individual A sit in a chair and on a couch, respectively, with a revolver on a coffee table between TORRES and Individual A. Superimposed on the video was the caption "Chillin' with my brotha." According to a digital media specialist, metadata for the video indicates it was taken on or about May 4, 2018.

Criminal History of Individual A

11. Based on records from a law enforcement database, in July 2016, Individual A was convicted in the Circuit Court of Will County, Illinois, of burglary, in violation of 720 ILCS 5/19-1, and sentenced to three years in the Illinois Department of Corrections. Thus, as of May 4, 2018, Individual had been convicted of a felony.

Interview of TORRES

12. On or about September 6, 2018, I, along with other law enforcement officers, interviewed SABASTIAN TORRES at his residence in Chicago Heights. We

informed TORRES that he was not under arrest and did not need to speak with us. TORRES stated that he understood and that he was willing to speak with us.

13. TORRES stated that, prior to his current residence, he lived with his girlfriend (Individual B) and her brother (Individual A) in South Chicago Heights. TORRES stated that he moved in with Individual B in late summer or early fall of 2017 and, approximately one month later, Individual A got out of the Illinois Department of Corrections ("IDOC") on parole and moved in with them. TORRES said he had known Individual A in high school but became reacquainted with him when he started dating Individual B.

14. TORRES stated that he previously purchased four firearms: an EAA .357 revolver, a Smith & Wesson .45 pistol, an Anderson Manufacturing AR-15-style rifle, and a Taurus 9mm pistol. He stated that the other firearms identified in Store B's records were purchased by his uncle. TORRES stated that he purchased the four firearms online from Store B and that the firearms were sent to Store A and Store C, an FFL in Crete, Illinois. TORRES further stated that he remained in possession of only one of the four firearms, the Anderson Manufacturing AR-15-style rifle. TORRES initially stated that he noticed the .357 revolver and .45 pistol were missing a couple of days earlier, but subsequently admitted that he discovered they were missing several weeks earlier when he moved into his grandfather's house. TORRES stated that he did not file a police report when he discovered the firearms missing.

15. During the interview, I showed TORRES "Chillin' with my brotha," the video described in paragraph 10. TORRES stated that he recalled taking the video. TORRES said he titled the video "Chillin' with my brotha" because both he and Individual A were Latin Count gang members. TORRES identified himself and Individual A in the video. TORRES identified the revolver on the table between TORRES and Individual A as the EAA .357 Windicator revolver he had purchased from Store B. TORRES stated that the video was taken in the spring or summer of 2018, before TORRES moved back in with his grandparents.

16. TORRES stated that he allowed Individual A to look at and handle TORRES's firearms on several occasions. TORRES stated that he remembered Individual A handling the EAA .357 Windicator revolver several times. TORRES stated that he also remembered Individual A handling the Smith & Wesson .45 pistol several times, including ejecting the magazine and racking the slide. TORRES stated that these instances occurred when Individual A was living with TORRES and Individual B in South Chicago Heights. TORRES also stated that he had allowed Individual A to hold onto the firearms from time to time, but had not permanently given the firearms to Individual A. TORRES stated that "Chillin' with my brotha" depicted one of the occasions in which he let Individual A possess the EAA .357 Windicator revolver. TORRES further stated that the video was filmed at a residence in South Chicago Heights.

17. TORRES stated that he knew that Individual A had been convicted of a serious crime because, when TORRES and Individual B had gotten together,

Individual A had already been in IDOC prison for over a year and then lived with TORRES and Individual B while Individual A was on parole. TORRES further stated that, when Individual A came to live with him and Individual B, TORRES knew that Individual A was on parole. TORRES stated that he knew Individual A was a Latin Count gang member, that TORRES used to be a Latin Count gang member, and that TORRES still hung around Latin Count gang members. TORRES stated that he understood that Individual A was currently back in an IDOC prison.

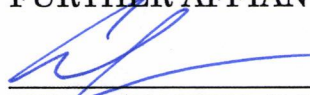
18. TORRES stated that, when he allowed Individual A to possess the EAA .357 Windicator revolver and the Smith & Wesson .45 pistol, he knew Individual A was not legally able to possess them, due to being in prison and on parole. TORRES further stated that Individual A had been in IDOC prison for more than a year when TORRES started living with Individual B. TORRES stated that he understood that Individual A had been convicted of a felony, but did not know what exact crime it had been.

19. TORRES stated that he suspected that, after he allowed Individual A to handle the two firearms on multiple occasions, Individual A just stole them. TORRES stated that he knew his actions in letting Individual A access the firearms were illegal, but that he believed that Individual A subsequently stole the firearms.

Conclusion

20. Based on the foregoing, I respectfully submit there is probable cause to believe that SABASTIAN TORRES committed the violation of Title 18, United States Code, Section 922(d)(1), as described in the attached complaint.

FURTHER AFFIANT SAYETH NOT.



CHRISTOPHER J. LABNO

Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SUBSCRIBED AND SWORN to before me on October 22, 2018.



SUSAN E. COX

United States Magistrate Judge